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9 **UNITED STATES BANKRUPTCY COURT**
 10 **DISTRICT OF NEVADA**

11 In re:

12 USA COMMERCIAL MORTGAGE
 13 COMPANY,

14 USA CAPITAL REALTY ADVISORS,
 15 LLC,

16 USA CAPITAL DIVERSIFIED TRUST
 17 DEED FUND, LLC,

18 USA CAPITAL FIRST TRUST DEED
 19 FUND, LLC,

20 USA SECURITIES, LLC, Debtors.

21 **Affects:**

22 All Debtors
 23 USA Commercial Mortgage Company
 24 USA Capital Realty Advisors, LLC
 25 USA Capital Diversified Trust Deed Fund, LLC
 26 USA Capital First Trust Deed Fund, LLC
 27 USA Securities, LLC

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
 BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
 GERALD WEINER TO APPEAR
 FOR EXAMINATION PURSUANT
 TO FEDERAL RULE OF
 BANKRUPTCY PROCEDURE 2004**

[No hearing required]

28 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
 29 Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring Gerald
 30 Weiner (“Weiner”) to appear, as set forth in a subpoena to be issued under Federal Rule of
 31 Bankruptcy Procedure 9016, for examination at the office of Development Specialists,

1 Inc., 333 S. Grand Avenue, Suite 4070, Los Angeles, California 90071-1544, on a
 2 business day no earlier than ten (10) business days after the filing of this Motion, or at
 3 such other mutually agreeable location, date, and time, and continuing from day to day
 4 thereafter until completed.
 5

6 This Motion is further explained in the following Memorandum.

7 **Memorandum**

8 The Movant seeks information concerning transactions and other dealings between
 9 Weiner and USACM, the other debtors in the above-captioned cases (together with
 10 USACM, the “Debtors”), and the Debtors’ insiders, affiliates, subsidiaries, parents, or
 11 otherwise related entities. The Movant seeks this information to assist in the collection of
 12 the assets and the investigation of the liabilities of the Debtors.

13 The requested discovery from Barry is well within the scope of examination
 14 permitted under Bankruptcy Rule 2004, which includes:

15 [t]he acts, conduct, or property or . . . the liabilities and financial condition
 16 of the debtor, or . . . any matter which may affect the administration of the
 17 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
 18 reorganization case under chapter 11 of the Code, . . . the examination may
 19 also relate to the operation of any business and the desirability of its
 20 continuance, the source of any money or property acquired or to be acquired
 21 by the debtor for purposes of consummating a plan and the consideration
 given or offered therefore, and any other matter relevant to the case or to the
 formulation of a plan.¹

22
 23 **Conclusion**

24 Accordingly, the Movant requests that this Court enter the form of order submitted
 25 with this Motion.

26
 1 FED.R. BANKR. P. 2004(b).

1 Dated: November 2, 2007.

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